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05 UNITED STATES DISTRICT COURT  
06 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

07 UNITED STATES OF AMERICA, )  
08 Plaintiff, ) Case No. CR06-418 RSM  
09 v. ) SUMMARY REPORT OF U.S.  
10 BRIAN ELLIS NEAL, ) MAGISTRATE JUDGE AS TO  
11 Defendant. ) ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
12

13 An initial hearing on a petition for violation of supervised release was held before the  
14 undersigned Magistrate Judge on July 12, 2007. The United States was represented by Assistant  
15 United States Attorney Nicholas Brown, and the defendant by Ms. Carol Koller.

16 The defendant had been charged and convicted of Possession with Intent to Distribute a  
17 Controlled Substance, in violation of 21 U.S.C. § 841(a)(1). On or about February 6, 2006,  
18 defendant was sentenced by the Honorable Ricardo S. Martinez to a term of eighteen (18) months  
19 in custody to be followed by two (2) years of supervised release.

20 The conditions of supervised release included the requirements that the defendant comply  
21 with all local, state, and federal laws, and with the standard conditions. Special conditions  
22 imposed included, but were not limited to, participating in a home confinement program for a  
23 period of 90 days and participation in drug testing.

24 In a Petition for Warrant or Summons, dated July 10, 2007, U.S. Probation Officer  
25 Michael J. Larson asserted the following violations by defendant of the conditions of his  
26 supervised release:

REPORT AND RECOMMENDATION OF  
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VIOLATIONS OF SUPERVISED RELEASE  
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(1) Using ecstasy on or before April 22, 2007, in violation of standard condition number seven.

(2) Using cocaine on or before July 6, 2007, in violation of standard condition number seven.

(3) Failing to report to the probation office as instructed for drug testing on April 23, June 4, and July 5, 2007, in violation of the special condition requiring him to appear for drug testing.


(4) Failing to satisfactorily participate in the home confinement program since, on, or about July 3, 2006 (amended orally at the hearing to July 2, 2007), in violation of the special condition requiring his participation in said program for a period of 90 days.

The defendant was advised of his rights, acknowledged those rights, and admitted to the four alleged violations.

I therefore recommend that the Court find the defendant to have violated the terms and conditions of his supervised release as to violations numbers 1, 2, 3 and 4, and that the Court conduct a hearing limited to disposition. A disposition hearing on these violations has been set before the Honorable Ricardo S. Martinez on August 28, 2007, at 9:30 a.m.

Pending a final determination by the Court, the defendant has been detained.

DATED this 12th day of July, 2007.

  
JAMES P. DONOHUE  
United States Magistrate Judge

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|-----|-----------------------|-------------------------------|
| cc: | District Judge:       | Honorable Ricardo S. Martinez |
|     | AUSA:                 | Mr. Nicholas Brown            |
|     | Defendant's attorney: | Ms. Carol Koller              |
|     | Probation officer:    | Mr. Michael J. Larson         |